

# REAL PROPERTY ABATEMENTS CITYWIDE NUISANCE ABATEMENT PROGRAM (CNAP)



“10 PERCENT OF THE LOCATIONS  
ACCOUNT FOR 60 PERCENT OF ARRESTS”



# REAL PROPERTY ABATEMENTS



- What is a property abatement?
- All types of properties
- The mission ...
- Criminal prosecutors seeking civil remedies for “The People ...”
- Problem properties v. problem people
- Injunctive relief



# WHY ABATEMENTS?



- When you can't arrest/SW your way out
- Reduce calls for service
- Crime reduction at the site and in the surrounding area, including Part I crime
- Additional tool to fight crime

# CNAP



- Since July 2013:
  - 132 lawsuits
  - 253 injunctions  
(+ case conferences & evictions)
  - \$2.3M+ collected

# WHAT KINDS OF PROPERTIES CAN BE ABATED...



1. Private property
2. In the City of LA
3. History (can be recent) of crime with a nexus to the property

**LOS ANGELES CITY ATTORNEY'S OFFICE**  
**NUISANCE ABATEMENT REFERRAL REQUIREMENTS**

**PUBLIC SAFETY**

- Narco, violence, vice, gangs, and/or guns?
- Significant risk of physical harm?
- Significant negative impact on the quality of life in the surrounding area?
- Are repeated arrests/criminal prosecutions unlikely to stop activity?
- Will the expenditure of police, prosecutorial resources on abatement yield a corresponding public safety benefit?

# THREE WAYS TO ABATE NUISANCE PROPERTIES . . .



- (1) Lawsuits
- (2) Case conferences
- (3) Evictions



# QUASI-CRIMINAL ACTION...



- Criminal v. Civil
  - No jury trial
  - No public defender
  - Burden of proof
  - Oral v. written evidence

# CAUSES OF ACTION



## CAUSES OF ACTION

- Narcotics Abatement (Health & Safety Code section 11570)
- Public Nuisance (Civil Code section 3479)
- Unlawful Business Practices (Bus. and Prof. Code section 17200)

# NARCOTICS ABATEMENT STATUTE

H&S Section 11570:

- “Every building . . . used for the purpose of unlawfully selling, serving, storing . . . manufacturing . . . any controlled substance . . . is a nuisance which shall be abated . . . .”



# NARCOTICS ABATEMENT STATUTE

- How many arrests are needed to prove the nuisance?
- No magic number:  
(1) arrests are only one type of evidence (2) must prove nuisance by a preponderance of the evidence





# NARCO ABATEMENT REMEDIES



- Injunction (physical and managerial improvements)
- Owner reside
- One-year closure
- \$25K penalty per defendant
- Officer/agent investigative costs
- Attorneys' fees

# PUBLIC NUISANCE



- “Anything injurious to health, offensive to the senses, obstructs free use of property so as to interfere with the comfortable enjoyment of life or property”

# PUBLIC NUISANCE REMEDIES

- Excellent way to get non-narco evidence to the court
- Injunctive relief
- No cost recovery



# UNLAWFUL BUSINESS PRACTICES



- This count added when “business” involved
- Applies if business violates any law
- Injunction
- \$2,500 penalty per violation, per day
- Receiver
- Business Operating Restrictions



# ADDITIONAL REMEDIES



- Stay away orders
- New ownership
- Judgment recovery

# ABATEMENT LAWSUITS



## ■ Defendants are:

- Property owners- physical and managerial improvements
- Gang members - stay away orders
- Business owners – operating restrictions

# TIMELINE OF AN ABATEMENT FILING ...



- Evaluation
- Complaint filed
- Record Lis Pendens
- Serve complaint
- Obtain preliminary injunction
- Monitor compliance/improvements
- Obtain permanent injunction

# CASE CONFERENCES





# EVICTIIONS



- Narcotics and Gang-Related Crime Eviction Program (LAMC 47.50)
  - Requires landlords to evict entire unit based on an arrest for narcotics, violence, gun/ammo or gang offense at/or within 1000 feet of residence
- Civil Code 3485 +3486
  - Commercial locations with guns/narco violations

**Case Study**

# 5501 S. WESTERN-THE BRONCO MOTEL





# INJUNCTION VIOLATIONS





CLOSURE FOR ONE YEAR...



# 1847 FLORENCE



# FORTIFIED BY GANG





# COUNTER-SURVEILLANCE

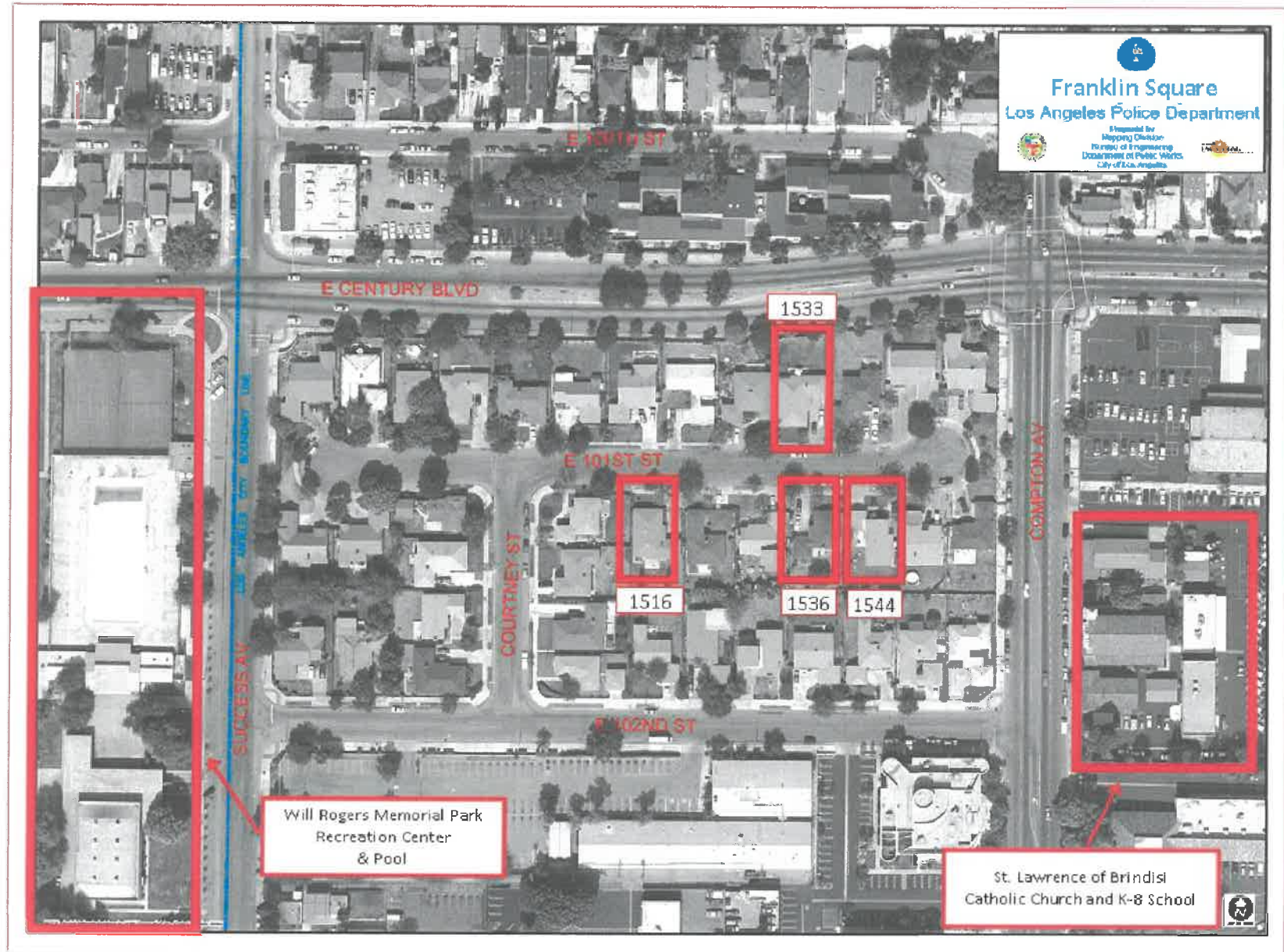








# GRAPE ST. AND FRANKLIN SQUARE CRIPS





# **FRANKLIN SQUARE NUISANCE ABATEMENT PROJECT**



THE PEOPLE **PICTURED BELOW** HAVE BEEN ORDERED BY THE LOS ANGELES SUPERIOR COURT TO **STAY OUT** OF THE FRANKLIN SQUARE NEIGHBORHOOD (SEE YELLOW AREA ON MAP) DUE TO CRIMINAL NUISANCE ACTIVITY IN THIS COMMUNITY.



Brian Williams



Corene Hill



Curtis Jackson



Damon Bowden



David Jackson



Keith Jackson



Michael Carter



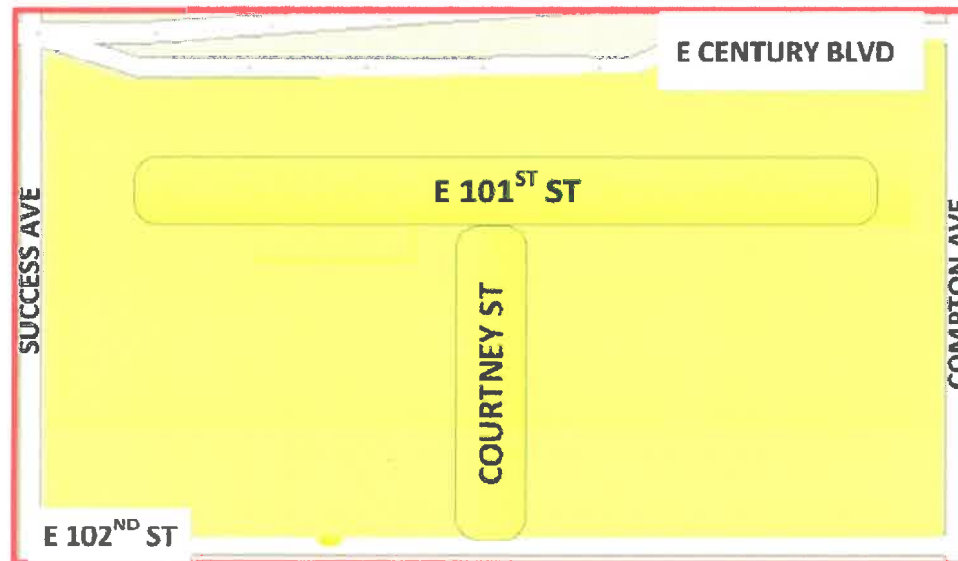
Robert Hill



Tommy Beard



Tracy Hill



IT IS **ILLEGAL** FOR THEM TO BE IN FRANKLIN SQUARE AT ANY TIME, FOR ANY REASON.

IF YOU SEE THEM IN THE FRANKLIN SQUARE NEIGHBORHOOD (SEE MAP), PLEASE CALL LAPD SENIOR LEAD OFFICER LOPEZ AT 213-793-0721. IF NO ANSWER, CALL LAPD COMMUNICATIONS AT 213-928-8223 AND **SAY THAT YOUR NEIGHBORHOOD IS A "SPECIAL LOCATION"**

**YOU CAN CALL ANONYMOUSLY – THE POLICE WILL NOT COME TO YOUR HOUSE.**

**HELP KEEP YOUR NEIGHBORHOOD SAFE FOR YOU AND YOUR FAMILY!**



# FOLLOW UP IN FRANKLIN SQUARE ...



Flyer Distribution

“Steve, it is quiet. No radio calls, no narco traffic. From what I can tell, you helped destroy an entire gang. I have preached about your success several times.”

E-mail to DCA Steve Gold  
from LAPD Southeast  
Division officer re Franklin  
Square

A person wearing a blue suit is holding a white rectangular sign with both hands. The sign has the word "QUESTIONS?" written on it in a bold, dark blue, sans-serif font. The person's hands are visible at the bottom of the sign, and their blue suit jacket is visible in the background.

**QUESTIONS?**